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OFFICE OF PETITIONS

In re Application of Duinveld et al. :
Application No. 10/557,622 : Decision on Petition
Filing Date: November 17, 2005 :
Attorney Docket No. 259374 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2009, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed October 6, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 7, 2009. A Notice of Abandonment was mailed on February 3, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), the Office notes the petition was filed with \$595 for the issue fee. The Electronic Patent Application Fee transmittal sheet describes the \$595 payment as "Plant issue fee." The record fails to indicate the application is a plant application and, in view of the assertion of small entity status in the issue fee transmittal form, the required issue fee is \$755. The Office has charged an additional \$160 (\$755 - \$595) to petitioner's deposit account for the issue fee.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and will issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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Office of Petitions